IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.192 of 1998

Dated: January 18, 2007

Between:

Siva Prasad Lodh, S/o. late Kovada Lodh,
Aged about 52 years, Agriculture, No.14,
Basthi, Yellandu, Khammam District.

… Petitioner

And

The Special Deputy Collector (Land Acquisition)
I.P.T. & Railways, Khammam, and others.

… Respondents

Order:

Petitioner questions the Award dated 20-03-1997 passed by the first respondent under the Land Acquisition Act, 1894 ('the Act' for brevity), in Award No.7/96-97 and to quash the same.

2. Petitioner claims to be the absolute owner and possessor of Ac.8.19 guntas of land in Sy.No.114 of Yellandi Village and Taluk,

Khammam District having succeeded to the same after the death of his father. It is stated that the name of his father was shown at Serial No.22 in the Bandobasth and record of rights pahani of the aforesaid survey number and village. Thereafter, the lands in Yellandu village were transferred to Usirikayalapally village and are shown in Sy.No.244. While things stood thus, a notification was issued to acquire land in Sy.Nos.244/ 244/1 and 245/1 of Usirikayalapally village admeasuring Ac.184.11 guntas for the purpose of Singareni Collieries Company Ltd. The case of the petitioner is that he is entitled for compensation in view of the aforesaid notification notifying his lands.

3. Though the Award is questioned on various grounds, when the matter is taken up for hearing, it is submitted by learned counsel for the petitioner that as much as possession of the land has already been taken, validity of the Award is not being questioned. It is further submitted that in view of the rival claims between the parties, the matter was earlier referred to the court of the learned Senior Civil Judge, Khammam under Section 30 of the Act in O.P.No.47 of 1999 and later on it was referred to the District Collector and the same is numbered as O.P.No.4 of 2005.

4. Learned counsel for the petitioner seeks for a direction to the respondents to dispose of O.P.No.4 of 2005 expeditiously.

5. It is not in dispute that the land of the petitioner was notified during the year 1996-97 and Award was passed on 20-03-1997. Though reference was made to the court of the learned Senior Civil Judge, Khammam, recently it has been transferred to District Collector, Khammam which has been numbered as O.P.No.4 of 2005, and the same is pending on his file.

6. As much as acquisition of the lands in question had taken place about 10 years back and in view of the request of the learned counsel for the petitioner for disposal of O.P.No.4 of 2005, I dispose of the Writ Petition directing the third respondent, District Collector, Khammam, to dispose of O.P.No.4 of 2005 as expeditiously as possible, preferably within a period of three months from the date of receipt of this order by giving notice to the affected parties. No order as to costs.

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JUSTICE R. SUBHASH REDDY.

January 18, 2007
MRR